

ORIGINAL

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

1. SHAWN WINBUSH,
2. COURTNEY MIGHTY,

**04 CR 10364 NMG**

Criminal No. 04-CR-\_\_\_\_\_

VIOLATIONS:

21 U.S.C. § 963 –  
Conspiracy to Import Cocaine

21 U.S.C. §§ 952(a) & 960(a)–  
Importation of Cocaine

18 U.S.C. § 2 –  
Aiding and Abetting

21 U.S.C. § 853 –  
Criminal Forfeiture Allegation

**INDICTMENT**

**COUNT ONE: (21 U.S.C. § 963 -- Conspiracy to Import Cocaine)**

The Grand Jury charges that:

From in or about February 2004 to on or about October 6, 2004, at New Bedford, Boston, and elsewhere in the District of Massachusetts, Jamaica, and elsewhere,

1. SHAWN WINBUSH, and
2. COURTNEY MIGHTY,

defendants herein, did knowingly and intentionally combine, conspire, confederate, and agree with each other and with other persons unknown to the Grand Jury to import into the customs territory of the United States, from a place outside thereof, to wit: Jamaica, cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 952(a) and 960(a).

It is further alleged that the conspiracy described herein involved at least 500 grams of a

mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance.

Accordingly, Title 21, United States Code, Section 960(b)(2)(B) applies to this Count.

All in violation of Title 21, United States Code, Section 963.

**COUNT TWO:** (21 U.S.C. §§ 952(a) and 960(a) – Importation of Cocaine)

The Grand Jury further charges that:

On or about October 6, 2004, at Boston, in the District of Massachusetts,

1. SHAWN WINBUSH, and
2. COURTNEY MIGHTY,

defendants herein, did knowingly and intentionally import into the customs territory of the United States, from a place outside thereof, to wit: Jamaica, cocaine, a Schedule II controlled substance.

It is further alleged that this offense involved at least 500 grams of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance. Accordingly, Title 21, United States Code, Section 960(b)(2)(B) applies to this Count.

All in violation of Title 21, United States Code, Sections 952(a) and 960(a) and Title 18 United States Code, Section 2.

**NOTICE OF ADDITIONAL FACTORS**

The Grand Jury further charges that:

1. As to the offenses charged in this indictment and relevant conduct as described in USSG §1B1.3, Defendant SHAWN WINBUSH is accountable for 500 grams to 2 kilograms of cocaine. Accordingly, USSG § 2D1.1(c)(7) applies to this defendant.
2. As to the offenses charged in this indictment, Defendant COURTNEY MIGHTY is accountable for 500 grams to 2 kilograms of cocaine. Accordingly, USSG § 2D1.1(c)(7) applies to this defendant.

3. At the time that he committed the offenses in this indictment, SHAWN WINBUSH was at least eighteen years old and had at least two prior felony convictions of either a crime of violence or a controlled substance offense. Accordingly, USSG §§ 4B1.1 and 4B1.2 apply to this defendant.

**FORFEITURE ALLEGATION**  
**(21 U.S.C. § 853)**

The Grand Jury further charges that:

1. As a result of the offenses alleged in Counts I and II of this Indictment, the defendants,

1. SHAWN WINBUSH, and
2. COURTNEY MIGHTY,

shall forfeit to the United States any and all property constituting, or derived from, any proceeds the defendant obtained, directly or indirectly, as a result of such offenses; and/or any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violations.

2. If any of the property described in paragraph 1 above, as a result of any act or omission of the defendants,

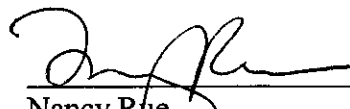
- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to 21 U.S.C. § 853(p) and 21 U.S.C. § 970, to seek forfeiture of any other property of the defendants up to the value of the property described in paragraph 1.

All in violation of 21 U.S.C. § 853 and 21 U.S.C. § 970.

**A TRUE BILL,**


  
FOREPERSON OF THE GRAND JURY

  
\_\_\_\_\_  
Nancy Rue  
Assistant U.S. Attorney

DISTRICT OF MASSACHUSETTS

December 9, 2004

Returned into the District Court by the Grand Jury Foreperson and filed.

  
\_\_\_\_\_  
Deputy Clerk  
12/9  
11:30 AM

CR 10364 NMG

## Criminal Case Cover Sheet

U.S. District Court - District of Massachusetts

Place of Offense: Massachusetts Category No. 11 Investigating Agency ICECity Boston Related Case Information:

County Suffolk Superseding Ind./ Inf. \_\_\_\_\_ Case No. \_\_\_\_\_  
 Same Defendant \_\_\_\_\_ New Defendant \_\_\_\_\_  
 Magistrate Judge Case Number 04-499-RBC  
 Search Warrant Case Number \_\_\_\_\_  
 R 20/R 40 from District of \_\_\_\_\_

## Defendant Information:

Defendant Name Shawn Winbush Juvenile ☐ Yes ☒ No

Alias Name \_\_\_\_\_

Address 166 Purchase Street, New Bedford, MABirth date (Year only): 67 SSN (last 4 #): 8160 Sex m Race: B Nationality: USA

Defense Counsel if known: \_\_\_\_\_ Address: \_\_\_\_\_

Bar Number: \_\_\_\_\_

## U.S. Attorney Information:

AUSA Nancy Rue Bar Number if applicable \_\_\_\_\_Interpreter: ☐ Yes ☒ No List language and/or dialect: \_\_\_\_\_Matter to be SEALED: ☐ Yes ☒ No☐ Warrant Requested☐ Regular Process☒ In Custody

## Location Status:

Arrest Date: October 7, 2004☐ Already in Federal Custody as \_\_\_\_\_ in \_\_\_\_\_☐ Already in State Custody \_\_\_\_\_ ☐ Serving Sentence ☐ Awaiting Trial☐ On Pretrial Release: Ordered by \_\_\_\_\_ on \_\_\_\_\_Charging Document: ☐ Complaint ☐ Information ☒ IndictmentTotal # of Counts: ☐ Petty \_\_\_\_\_ ☐ Misdemeanor \_\_\_\_\_ ☒ Felony 2

Continue on Page 2 for Entry of U.S.C. Citations

☒ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.Date: 9 Dec 04 Signature of AUSA: [Signature]

04 CR 0364 NMG

District Court Case Number (To be filled in by deputy clerk): \_\_\_\_\_

Name of Defendant Shawn Winbush

## U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>21 USC 963</u>	<u>Conspiracy to Import Cocaine</u>	<u>one</u>
Set 2	<u>21 USC 952(a) &amp; 960(a)</u>	<u>Importation of cocaine into United States</u>	<u>two</u>
Set 3	_____	_____	_____
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____

ADDITIONAL INFORMATION:

**04 CR 10364 NMG****Criminal Case Cover Sheet**

U.S. District Court - District of Massachusetts

Place of Offense: Massachusetts Category No. 11 Investigating Agency ICECity Boston Related Case Information:County Suffolk Superseding Ind./ Inf. \_\_\_\_\_ Case No. \_\_\_\_\_

Same Defendant \_\_\_\_\_ New \_\_\_\_\_

Magistrate Judge Case Number 04-499 RBC

Search Warrant Case \_\_\_\_\_

R 20/R 40 from District of \_\_\_\_\_

**Defendant Information:**Defendant Courtney Mighty Juvenile ☐ Yes ☒ No

Alias Name \_\_\_\_\_

Address 166 Purchase Street, New Bedford, MABirth date (Year only): 82 SSN (last 4 #): 8161 Sex m Race: B Nationality USA

Defense Counsel if known: \_\_\_\_\_ Address: \_\_\_\_\_

Bar Number: \_\_\_\_\_

**U.S. Attorney Information:**AUSA Nancy Rue Bar Number if applicable \_\_\_\_\_Interpreter: ☐ Yes ☒ No List language and/or dialect: \_\_\_\_\_Matter to be SEALED: ☐ Yes ☒ No☐ Warrant Requested ☐ Regular Process ☒ In Custody**Location Status:**Arrest Date: October 7, 2004☒ Already in Federal Custody as \_\_\_\_\_ in USMS☐ Already in State Custody \_\_\_\_\_ ☐ Serving Sentence ☐ Awaiting Trial☐ On Pretrial Release: Ordered by \_\_\_\_\_ on \_\_\_\_\_Charging Document: ☐ Complaint ☐ Information ☒ IndictmentTotal # of Counts: ☐ Petty \_\_\_\_\_ ☐ Misdemeanor \_\_\_\_\_ ☒ Felony 2

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**04 CR 10364 NMG**

District Court Case Number (To be filled in by deputy clerk): \_\_\_\_\_

Name of Defendant Courtney Mighty

## U.S.C. Citations

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Set 6	_____	_____	_____
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Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____

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